

175 South Broad Street
PO Box 8068
Trenton, NJ 08650

Phone: (609) 571-4480
Fax: (609) 571-4473

**Superior Court of New
Jersey**
Mercer Vicinage

Fax

To: Valorie D. Smith From: Branda
Fax: 973 297-2010 Date: 4/30/14
Phone: 609-571-4483 Pages: 12
Re: L-2130-13 CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•Comments:

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brenda.thornley 15:10:11 Wednesday, April 30, 2014

CVM1023 AUTOMATED CASE MANAGEMENT SYSTEM 04/30/14
PAGE: 001 OF 001 DOCUMENT LIST 15:10

VENUE : MERCER COURT : LAW CVL DOCKET #: I. 002130 13
CASE TITLE : DAVIS V BERCIK MD

S	DATE FILED	DOC NUM	DOCUMENT TYPE	NON CONF	FILING/TARGET PARTY NAME	ATTORNEY NAME	MUL DOC PTY STA
	10 03 2013	001	COMP JRY DEMAND		DAVIS	PRO SE	N
	04 03 2014	005	PRF SERVC		BERCIK MD	ATT' REQUIRE	N
	04 07 2014	002	PRF SERVC		BERCIK MD	ATT' REQUIRE	N
	04 17 2014	004	CRT INIT TO DSM		COURT INIT		N GR

CV900123 END OF SEARCH

PF1=INQRY PF2=MAINT

PF4=PROMPT PF6=CONSOLIDATED CASE LIST PF7=PRIOR PF8=NEXT PF22=HELP:

***** AFFIDAVIT OF SERVICE *****

SER: S13010470

DEFENDANT SEQUENCE 1 OF 1

12/17/2013

Summons & Complaint

I, Ann. o B. Fontoura, Sheriff of Essex County, do hereby deputize MICHAEL BIRMINGHAM and appoint to be my Deputy, To Serve and Return the Summons and Complaint according to Law.

COURT OF ISSUANCE: Mercer County Superior Court/S&C

ENTERED BY: Mary

ATTORNEY

ELLA DAVIS

33 PEARL ST

TRENTON NJ 08609

Check # Receipt # Receipt Amt

2154087791 120886 25.10

COURT: Mercer County Superior Court/S&C

Docket #: L213013

State: NJ

CAPTION OF CASE

Name: ELLA DAVIS

Vs

ROBERT J BERCIC MD VA MEDICAL CENTER

DEFENDANT OR NAMED WITHIN TO BE SERVED

Name: ROBERT J BERCIC MD

Address:

CLERK OF SUPERIOR COURT
SUPERIOR COURT OF N.J.
MERCER COUNTY
RECEIVED AND FILED

Hearing Date:

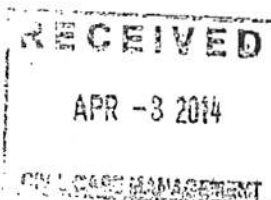
Time:

Papers served: SUMMONS AND COMPLAINT

APR 03 2014

Sue Regan

SUE REGAN
DEPUTY CLERK OF SUPERIOR COURT



SERVICE DATA RECORDED

SERVED SUCCESSFULLY ☒ UNABLE TO SERVENUMBER OF ATTEMPTS 3

DATE: 3-13-2014 TIME: 3:15 P.M.

DATE: 12-30-13 DATE: 1-8-14

REMARKS: UNABLE TO SERVE. RETURN TO PLAINTIFF.

___ Personally Delivered ___ Officer ___ Managing Agent ___ Registered Agent
___ Copy left with competent household member ___ Agent Authorized to accept

Is in the Military Is not in the Military

Person Served...

(Title/Relationship)

Sex: ___ Male ___ Female

Skin: ___ White ___ Black ___ Yellow ___ Brown ___ Red

Height: ___ Under 5' ___ 5'-5.6' ___ 5.7'-6' ___ Over 6'

Weight: ___ Under 100# ___ 100-150# ___ 151-200# ___ Over 200#

Hair: ___ Black ___ Brown ___ Blonde ___ Gray ___ Red ___ White ___ Balding

Age: ___ 14-20 ___ 21-35 ___ 36-50 ___ 51-65 ___ Over 65

SWORN TO AND SUBSCRIBED
BEFORE ME ON

SIGNATURE *[Signature]*
SHERIFF'S OFFICER OF ESSEX COUNTY

Attorney(s):
Office Address:
Telephone No.:
Attorney(s) for the Plaintiff(s):

Plaintiff(s): ELA DAOS

-vs.-

Defendant(s): Robert J Bercek MD
VA Medical Center
385 Trenton Ave, EAST ORANGE, NJ 07027

Superior Court of New Jersey

Meriden County

Law Division

Docket No.: L-2130-13

SUMMONS

The State of New Jersey, to the Above Named Defendant(s): Robert J. Bercek MD

The plaintiff named above has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided). If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, and PO Box 971, Trenton, NJ 08625. A filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion (with fee of \$135.00 for Law Division and a completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If the judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services Office in the County where you live. A list of those offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

If you do not have an attorney, you may call 973 622-6207 for the Essex County Lawyer Referral Service or N.J. State Bar Association at 1-800-852-0127. If you cannot afford an attorney, you may call Superior Court for the Essex County Legal Service.

Dated: 2/10/2013

Michelle D. E.
Michelle D. Smith, Esq.
Jennifer Peters, Acting Clerk of the Superior Court

Name of Defendant to be Served:

Address for service:

DEPUTY CLERKS ADDRESSES

Atlantic County, 1201 Bacharach Blvd., Atlantic City, NJ 07330
 Bergen County Justice Center, 10 Main St., Hackensack, NJ 07601
 Burlington County Courts Facility, 49 Rancocas Rd., Mt. Holly, NJ 08060
 Camden County Hall of Justice, 101 South 5th St., Camden, NJ 08103
 Cape May County Courthouse, Main St., Cape May Court House, NJ 08210
 Cumberland County Courthouse, Broad & Fayette Streets, Bridgeton, NJ 08302
 Essex County, Essex County Historic Courthouse, Rm 113, Newark, NJ 07102
 Gloucester County Courthouse, 1 North Broad St., Woodbury, NJ 08096
 Hudson County Admin. Bldg., 595 Newark Ave., Jersey City, NJ 07306
 Hunterdon County Courthouse, Main St., Flemington, NJ 08822
 Mercer County, Mercer County Courthouse, PO Box 8068, Trenton, NJ 08650-0068
 Middlesex County, Middlesex County Courthouse, 1 Kennedy Sq., New Brunswick, NJ 08903
 Monmouth County, Monmouth County Courthouse, 71 Monument Park, Freehold, NJ 07728
 Morris County Courthouse, PO Box 900, Morristown, NJ 07963-0900
 Ocean County Courthouse, 118 Washington St., Toms River, NJ 08754
 Passaic County Courthouse, 77 Hamilton Street, Paterson, NJ 07505-2017
 Salem County Courthouse, 92 Market St., Salem, NJ 08079
 Somerset County Courthouse, PO Box 3000, Somerville, NJ 08876-1262.
 Sussex County Courthouse, 43-47 High Street, Newton, NJ 07860
 Union County Courthouse, 2 Broad St., Elizabeth, NJ 07207
 Warren County Courthouse, 2nd & Hardwick Sts., Belvidere, NJ 07823

	LEGAL AID OFFICES	LEGAL SERVICES OFFICES
Atlantic County	(609) 384-4200	(609) 345-3444
Bergen County	(201) 487-2166	(201) 488-0044 or 692-1011
Burlington County	(609) 261-1088	(609) 261-4862
Camden County	(856) 964-1002	(856) 964-4520
Cape May County	(609) 465-3001	(609) 463-0313
Cumberland County	(856) 692-2400	(856) 692-6207
Essex County	(973) 622-1513	(973) 622-6207
Gloucester County	(856) 848-5360	(856) 848-4589
Hudson County	(201) 792-6363	(201) 798-2727
Hunterdon County	(908) 782-7979	(908) 735-2611
Mercer County	(609) 695-6249	(908) 890-6200
Middlesex County	(732) 249-7600	(732) 828-0053
Monmouth County	(732) 747-7400	(732) 431-5544
Morris County	(973) 285-6911	(973) 267-5822
Ocean County	(732) 341-2727	(732) 240-3666
Passaic County	(973) 345-7171	(973) 278-9223
Salem County	(856) 451-0003	(856) 678-8363
Somerset County	(908) 231-0840	(908) 685-2323
Sussex County	(973) 383-7400	(973) 267-5882
Union County	(908) 528-4769	(908) 353-4715
Warren County	(908) 475-2010	(908) 267-5882

***** AFFIDAVIT OF SERVICE - SUMMONS AND COMPLAINT ***** 03/28/2014

SHERIFF #SNCL4001555 DEFENDANT SEQUENCE 1 OF 1 OFFICER: JOHN GURA

I, Ralph Froehlich, SHERIFF OF UNION COUNTY, DO HEREBY DEPUTIZE JOHN GURA AND APPOINT TO BE MY DEPUTY TO EXECUTE AND RETURN THE WRIT ACCORDING TO LAW.

ATTORNEY:
ELLA DAVIS
33 PEARL STREET
TRENTON NJ 08609

APR 07 2014

Receipt Check # 122854 M/O 2154498 Receipt Amt 26.00

COURT INFORMATION

COURT OF ISSUANCE: Superior-Mercer

BRANCH:

DOCKET #: L213013

STATE: NJ

COUNTY OF VENUE: Mercer

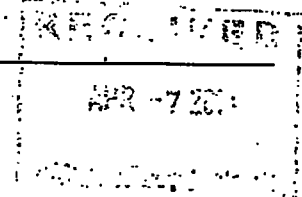
MMATHEWS

CAPTION OF CASE

NAME: ELLA DAVIS
VS. ROBERT J. BERACK

DEFENDANT OR NAMED WITHIN TO BE SERVED

NAME: ROBERT J. BERACK *Berack JB*
ADDRESS: [REDACTED]



PAPERS SERVED: SUMMONS & COMPLAINT

SERVICE DATA RECORDED

DATE/TIME

☒ SERVED SUCCESSFULLY ☐ UNABLE TO SERVE NUMBER OF ATTEMPTS

3/28/14 11400

REMARKS: *Note correct spelling LAST NAME.*

COPY SERVED UPON

- ☒ Personally Delivered ☐ Officer
☐ Copy Left With Competent ☐ Registered Agent
Household Member ☐ Agent Authorized to Accept
☐ Managing Agent ☐ Person in charge at registered office of

Person Served: _____ (Title/Relationship)

☐ IS IN THE MILITARY ☐ IS NOT IN THE MILITARY

SEX: ☐ MALE ☐ FEMALE
SKIN: ☐ WHITE ☐ BLACK ☐ YELLOW ☐ BROWN ☐ RED
HEIGHT: ☐ UNDER 5 FT ☐ 5.0-5.6 FT ☐ 5.7-6.0 FT ☐ OVER 6'
WEIGHT: ☐ UNDER 100 LBS. ☐ 100-150 LBS. ☐ 151-200 LBS. ☐ OVER 200 LBS.
HAIR: ☐ BLACK ☐ BROWN ☐ BLONDE ☐ GRAY ☐ RED ☐ WHITE ☐ BALDING
AGE: ☐ 14-20 ☐ 21-35 ☐ 36-50 ☐ 51-65 ☐ OVER 55

SWORN TO AND SUBSCRIBED
BEFORE ME ON:

John Gura
SIGNATURE
SHERIFF'S OFFICER OF UNION COUNTY
STATE OF NEW JERSEY

SUMMONS

Attorney(s) _____
 Office Address _____
 Town, State, Zip Code NJ
 Telephone Number _____
 Attorney(s) for Plaintiff _____

RECEIVED
 Superior Court of
 New Jersey
 Mercer COUNTY
 LAW DIVISION
 Docket No: L-2236-13

Plaintiff(s)

**CIVIL ACTION
 SUMMONS**

Vs.
Elia Dasso
Robert J. Butic, 1445 Ravitan Rd
 Defendant(s) Clark, NJ 07066

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Elisabeth Ann Strom
 Clerk of the Superior Court
ELISABETH ANN STROM, ESQ.
 Acting Clerk of Superior Court

DATED: 3/31/2014

Name of Defendant to Be Served: _____

Address of Defendant to Be Served: _____

CLERK OF SUPERIOR COURT
SUPERIOR COURT OF NJ
MERCER COUNTY
RECEIVED AND

OCT 03 2013

() Check
() Money Order
Fee Paid & Entered

DEPUTY CLERK / SUP CT
SUE REGAN

2013 OCT -3 P 3 36

RECEIVED IN FINANCE
MERCER COUNTY

Sue Regan
Name E/IA SUE REGAN
Amount \$ 6581
Batch # 018
Address 33 PEARL ST
(609) 475-5707
Telephone Number

Superior Court of New Jersey

Law Division Mercer County

Docket No MerL-0130-13
(to be filled in by the court)

CIVIL ACTION
Complain

E/IA DAVIS Plaintiff
v.
ROBERT J. BERCIK MD
UNITED STATES Dept of VETERAN AFFAIRS
Defendant (s)

Plaintiff, E/IA DAVIS, residing at
(your name)
33 PEARL ST City of TRENTON
(your address) (your city or town)
County of MERCER
(your county)

State Of New Jersey, complaining of defendant, states as follows:

1. On October 11, 2011 Robert J. Bercik MD, United States Dept. of Veterans Affairs defendant
(name of person being sued) Son of Plaintiff
(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)

Mr. Davis avers that the knee prosthesis was incorrectly designed sized (too large) and/or implanted during the 10/11/2011 surgery which resulted in internal injury to the tissues surrounding the implant, necessitating the 2012 and 2013 surgeries

Dept. of VETERANS Affairs

The defendant in this action resides at [REDACTED]

(defendant's address)

In the County of BERGEN County State Of New Jersey.

(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.
3. The harm that occurred as a result of defendant's acts include:

(list each item of damage and injury),

1. KNEE WOULD NOT BENDTHE KNEE CONTINUES TO CAUSE SEVERE PAIN2. AND RESTRICTED RANGE OF MOTIONREPLACEMENT, THERE IS MODERATE PATELLA DYSA3. WITH SOME EROSION PRESENT

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

Dated: 10/3/13Signature: [Signature]

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Furthermore, other than the parties set forth in this complaint, I know of no other parties that should be made

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: 10/5/13 Signature: Eugene J. Davis

OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

Dated: 10/4/13 Signature: Eugene J. Davis

CIVIL - LAW
CASE INFORMATION STATEMENT



HOW TO COMPLETE THE CIVIL CASE INFORMATION STATEMENT (CIS)


These instructions are intended to guide individuals who are either plaintiffs or defendants in civil cases and who are not represented by an attorney in completing the Civil Case Information Statement (Civil CIS) required by court rules. The Civil CIS must be included with each party's first pleading in the Civil part of the Law Division. That is, the plaintiff must file it with the complaint and the defendant must file it with the answer. If it is not included, the papers will be returned.

The CIS summarizes your case and alerts the court to any special needs you may have such as the need for an interpreter or the need for a quick trial date because one of your witnesses is expected to be unavailable. The numbers for the various case types are located on the back of the form. Enter the number which best describes your complaint. For example, if you are suing the defendant for a breach of contract, your case number would be 599.

After you have completed the CIS, keep it with the other papers you are planning to file.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the forms will be available at the county courthouse or on the Judiciary's Internet site (www.nicourts.com). However, you are ultimately responsible for the content of your court papers.

Appendix XII-B1

 CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed		CLERK OF SUPERIOR COURT SUPERIOR COURT OF N.J. MERCER COUNTY RECEIVED FOR FEE BY CLERK'S OFFICE ONLY PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CA: NOT 03 2013 AMOUNT: <i>See Regan</i> OVERPAYMENT: <i>See Regan</i> DATE: SUE REGAN CLERK OF SUPERIOR COURT
1. ATTORNEY / PRO SE NAME ELLA DAVIS	2. TELEPHONE NUMBER <i>[REDACTED]</i>	3. COUNTY OF ESSEX MERCER COUNTY
4. FIRM NAME (if applicable) N/A	5. DOCKET NUMBER (when available) mer-L-2130-13	
6. OFFICE ADDRESS Dept. of Veteran Affairs 20 Washington Pl. Newark, N.J. 07102	7. DOCUMENT TYPE complaint	
8. JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
9. NAME OF PARTY (e.g., John Doe, Plaintiff) ELLA DAVIS	10. CAPTION N/A	
11. CASE TYPE NUMBER (See reverse side for listing) 604 MEDICAL MAL.	12. IS THIS A PROFESSIONAL MALPRACTICE CASE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
13. RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	14. IF YES, LIST DOCKET NUMBERS N/A	
15. DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input type="checkbox"/> NO	16. NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) N/A <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.		
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION		
17. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input checked="" type="checkbox"/> BUSINESS Dept. of Veteran Affairs	
18. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input type="checkbox"/> NO		
19. USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION Robert J. Bencik MD UNITED STATES Dept. of Veteran Affairs		
20. DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION N/A	
21. WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IF YES, FOR WHAT LANGUAGE? N/A	
22. I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).		
23. ATTORNEY SIGNATURE: <i>Pro se Ella J. Davis</i>		

[REDACTED]